



L A M O N T S
S O L I C I T O R S

Head of Democratic Services
East Ayrshire Council
Council Headquarters
London Road
KILMARNOCK KA3 7BU

Our Ref:- EEL/SG

Ask for:- Mrs Lamont

CORPORATE SUPPORT	
26 JAN 2011	
Date	Initials
Agreed	
Noted	
Copies to:	

24 January 2011

Dear Sirs

Miss Joyce Black
9 Borebrae, Newmilns
Notice of Review

We refer to the above and enclose the following for your attention:-

1. Notice of Review Application form.
2. Copy letter dated 15 November 2010 from John Pickering, Divisional Manager South, Department of Neighbourhood Services.

Yours faithfully

Lamonts

Encs

TELEPHONE: (01292) 262266

MILLER CHAMBERS

16 MILLER ROAD, AYR KA7 2AY

DX : AY 23 • LP : 15 AYR • FAX : (01292) 610210 • E-mail : mail@lamontslaw.co.uk • Web : www.lamontslaw.co.uk

Partners : MARK P. MEEHAN, LL.B., Dip.L.P., N.P. EILEEN E. LAMONT, M.A., LL.B., N.P.
Associates: Kenneth W. Donnelly, LL.B. (Hons), Dip.L.P., N.P. Susan E. Forbes, LL.B., Dip.L.P., N.P.
Consultant: Michael J. Lamont, M.A. (Hons), Dip. L.P., N.P. Practice Manager: Linda Law, ACMA



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN
 RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS
 THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE)
 (SCOTLAND) REGULATIONS 2008
 THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

**IMPORTANT: Please read and follow the guidance notes provided when completing this form.
 Failure to supply all the relevant information could invalidate your notice of review.**

Use BLOCK CAPITALS if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail? Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--------------------------------------------------------------------------------------|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

Our client would wish a review as she is most concerned about the restriction which these conditions place on her use of this piece of ground owned in common with her neighbour. Our client feels that there is an alternative access to the watercourse screen which could be achieved by the demolition of the first two lock-ups nearest the screen which in terms of the letter from John Pickering, Divisional Manager South, East Ayrshire Council, Department of Neighbourhood Services dated 15 November 2010 (copy attached), would appear to be in a grave state of disrepair. This would allow access and avoid the disruption and damage caused on previous occasions with excavators taking access over the land owned by our client and her neighbour, which we understand has resulted in breakage of sewerage pipe etc.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Letter dated 15 November 2010 from John Pickering, Divisional Manager South, Department of Neighbourhood Services, East Ayrshire Council re Application for Lock-up at Kinholm Street, Newmilns.

Notes.

1. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.
2. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.
3. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Please complete and return this form to Head of Democratic Services, East Ayrshire Council, Council Headquarters, London Road, Kilmarnock, KA3 7BU.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed _____ Date 20/11/11

Department of Neighbourhood Services

Depute Chief Executive/Executive Director: Elizabeth Morton

Head of Housing: Christopher McAleavey FCIH

Irvine Valley & Ballochmyle Team

51 Academy Street

Hurlford

KA1 5BU

If telephoning or calling

Please ask for: Mrs Watson tel. 01563 554664

LW/LP

15 November 2010

Ms J Black



East Ayrshire
COUNCIL

Dear Ms Black

APPLICATION FOR LOCK-UP AT KILNHOLM STREET NEWMILNS

I refer to the above application that you submitted to this Department.

I now write to advise that unfortunately we are unable to allocate any of the lock-ups on this site because they require extensive repairs.

I trust that this clarifies the position.

Yours sincerely

John Pickering
Divisional Manager South



L A M O N T S
S O L I C I T O R S

Department of Finance and Corporate Support
East Ayrshire Council
LP18
KILMARNOCK

Our Ref:- EEL/SG

Ask for:- Mrs Lamonts

CORPORATE SUPPORT	
14 FEB 2011	
	Initials
Account	
Deal No	
Copies to:	

FAO:- BILL WALKINSHAW

11 February 2011

Dear Sirs

Miss Joyce Black
Erection of Garage at 9 Borebrae, Newmilns
Application Ref:- LRB/10/0528/PP

We refer to your letter of 1 February 2011, and in response to the second paragraph thereof, we would confirm that indeed this is a planning issue and we would apologise for the erroneous application to the Building Warrant.

Yours faithfully

Lamonts

TELEPHONE: (01292) 262266

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